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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,645	04/04/2001	William Jackson Bushnell	LUC-299/Bushnell 20-1	5465
47382	7590	11/28/2005	EXAMINER	
CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			JUNTIMA, NITTAYA	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/825,645	BUSHNELL ET AL.	
	Examiner	Art Unit	
	Nittaya Juntima	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 7-10, 13, 14, 18-20, 23 and 24 is/are ^{Can be deleted} ~~withdrawn~~ from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, 11, 12, 16, 17, 21, 22 and 26 is/are rejected.
- 7) ☒ Claim(s) 5 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/14/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 9/16/2005.
2. The objection to the claim and the rejection under 35 U.S.C. 112, second paragraph have been withdrawn in view of applicant's amendment.
3. Claims 3-4, 7-10, 13-14, 18-20, 23-24, and 27-30 were/have been cancelled.
4. Claims 1-2, 6, 11-12, 16-17, 21-22, and 26 are presently rejected under 35 U.S.C. 102(b).
5. Claim 25 is allowed. The prior art alone or in combination fail to teach or make obvious on the following when considered in combination with other limitations in the claim: means in the medium for selecting the first phone to comprise a shared call appearance with the second phone over the first switch and means in the medium for selecting the first phone to comprise a second shared call appearance with a third phone over a second switch in view of the definition of shared call appearance recited at the end of the claim.
6. Claims 5 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

7. Claims 15 and 25 are objected to because of the following informalities:
 - in claim 15, line 2, "the second switch" should be changed to "a second switch" to avoid lack of antecedent basis;
 - in claim 25, line 25, "the second switch" should be changed to "a second switch" to

avoid lack of antecedent basis;

lines 28-30, “each of... each other” should be replaced with “the first phone second phone serves an electronic implementation of an extension phone of the first phone, and the third phone serves an electronic implementation of an extension phone of the first phone” since the second phone does not have a shared call appearance with the third phone.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-2, 6, 11-12, 16-17, 21-22, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn et al. (“Dunn”) (USPN 5,999,612).

Regarding claim 1, as shown in Fig. 3, Dunn teaches a system comprising:

A phone (the first one of telephones 27) that comprises a connector component (a connector must be included in each of the telephones 27 connected to the adapter 22, see also Fig. 4) that is operationally connectable through a packet network (Internet 42) to any selected one (PBX 36b) or more of a plurality of switch components (switches in LEC 28 and IXC 43 and PBX36b, collectively) (incoming calls are redirected to telephones 27 via path 4: PBX 36b, server 36c, Internet 42, gateway 41, network 21, and adapter 22, col. 4, lines 37-51 and col. 5, lines 10-34 and 41-45).

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Wherein the any selected one (PBX 36b) or more of the plurality of switch components serve to provide one or more of terminating telecommunication service to the phone (incoming calls are redirected to telephones 27 via path 4, col. 5, lines 10-34 and 41-45).

Wherein the phone comprises a first phone (the first telephone of telephones 27) having a shared call appearance with a second phone (the second telephone of telephones 27) over a switch component (PBX 36b) of the plurality of switch components (switches in LEC 28 and IXC 43 and PBX36b, collectively) and through the packet network (Internet 42), wherein the second phone (the second telephone of telephones 27) comprises the shared call appearance with the first phone (the first telephone of telephones 27) over the switch component (PBX 36b) and through a network (network 21) (since incoming calls are redirected to telephones 27 via path 4, col. 5, lines 10-34 and 41-45, and telephones 27 share the same telephone number, col. 5, lines 63-66, therefore, the first telephone of telephones 27 must have a shared call appearance with the second telephone of telephones 27).

Wherein the shared call appearances of the first and second phones means the second phone serve as an electronic implementation of an extension phone of the first phone (since incoming calls are redirected to telephones 27 via path 4, col. 5, lines 10-34 and 41-45, and telephones 27 share the same telephone number, col. 5, lines 63-66, therefore, the second telephone of telephones 27 must serve as an electronic implementation of an extension phone of the first telephone of telephones 27).

Regarding claim 2, it is inherent that the connector component (a connector on the first telephone of telephones 27 connecting the phone to the adapter 22 in Figs. 3 and 4) must employ an explicit selection of a particular switch (PBX 36b, Fig. 3) component of the plurality of switch

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components (switches in LEC 28 and IXC 43 and PBX 36b, collectively) to operationally connect the first phone (the first telephone of telephones 27 in Fig. 3) through the packet network (Internet 42, Fig. 3) to the particular switch component (PBX 36b, Fig. 3), wherein a user of the first phone inputs the explicit selection (the user inputs explicit selection of the PBX 36 by connecting the first telephone of telephone 27 to the adapter 22 to enable the phone to receive incoming calls redirected by PBX 36b via path 4, col. 5, lines 10-34 and 41-45).

Regarding claim 6, as shown in Fig. 3, Dunn further teaches that the first phone (the first telephone of telephones 27) comprises a connector component (a connector on the first telephone of telephones 27 connecting the phone to the adapter 22 in Figs. 3 and 4) that is operationally connectable through the packet network (Internet 42) to the any selected one (PBX 36b) or more of the plurality of switch components (switches in LEC 28 and IXC 43 and PBX 36b, collectively) through a respective one (gateway 41) or more of a plurality of voice over Internet protocol gateways (other gateways inherently located in the Internet 42) (incoming calls are redirected to telephones 27 via path 4, col. 5, lines 10-34).

Claims 11-12, and 16, and are method claims corresponding to system claims 1-2, and 6, and, respectively, and are therefore rejected under the same reason set forth in the rejection of claims 1-2 and 6, respectively.

Regarding claim 17, since the gateway 41 in Fig. 3 reroutes the incoming calls to telephones 27 via path 4 when telephones 27 are not busy, col. 5, lines 10-34 and col. 10, lines 15-18, the phone (the first telephone of telephone 27) must then be registrable with the gateway 41.

Claims 21-22, and 26 are article claims corresponding to system claims 1-2, and 6,

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respectively, and are therefore rejected under the same reason set forth in the rejection of claims 1-2 and 6, respectively.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima
November 22, 2005
NB


RICKY Q. NGO
SUPERVISORY PATENT EXAMINER